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Allied Fishing Groups

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**Black Bass Action Committee / California Fly Fishers Unlimited /
California Sportfishing Protection Alliance / California Trout /
California Striped Bass Association / Chico Flyfishers / Coastside Fishing Club /
Delta Fly Fishers / Diablo Valley Fly Fishermen Fly Fishers of Davis /
Friends of Butte Creek / E.C. Powell Fly Fishers / Grizzly Peak Flyfishers /
Granite Bay Flycasters / Golden Gate Angling & Casting Club /
Mission Peak Fly Anglers / NCC - Federation of Fly Fishers /
NORCAL Kayak Anglers / Pacific Coast Federation of Fishermen's Association /
Palo Alto Flyfishers / Pasadena Casting Club / Peninsula Fly Fishers /
Recreational Fishing Alliance / Santa Cruz Fly Fisherman / Shasta Fly Fishers /
SWC - Federation of Fly Fishers / Tracy Fly Fishers Trout Unlimited of California /
The Anglers Committee / Tri-Valley Fly Fishers / United Anglers of California /
United Pier & Shore Anglers of Calif / USA Fishing / Wilderness Fly Fishers**

January 31, 2006

Lester Snow, Director
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Re: Our Opposition to the South Delta Improvement Project and the
Draft EIR/S

Dear Director Snow:

Our Allied Fishing Groups want to advise you of our grave concern for the future of the San Francisco Bay-Delta estuary and its fishery resources and our unanimous opposition to the South Delta "Improvement" Project.

The State Water Project's ongoing damage to the estuary and its fisheries has not been appropriately quantified by the environmental review process now underway by your agency. We believe the habitat loss and degradation caused by state and federal water projects and the entrainment losses of a vast amount of the foodweb and fish caused by the pumping of massive amounts of water from the south Delta are clearly tied to the long-term, disastrous decline of the anadromous fisheries of the Central Valley and the Bay-Delta estuary.

For nearly fifty years the Department of Water Resources and the Bureau of Reclamation have failed to sufficiently mitigate the impacts associated with the water development in the estuary's tributaries and export of water from the Delta. These exports exceed fifty to sixty percent of the Delta's inflow. The CALFED program that was to address the decline of the estuary and its fishery resources has also failed to restore the ecology of the estuary's ecosystem. The management of the public's fishery resources at self-sustaining levels has

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not been accomplished. In fact, the ecosystem has not been able to sustain sufficient natural fishery production for a number of years for many fisheries including the winter-run and spring-run salmon, steelhead, and Delta smelt had to be listed under Endangered Species Act (ESA) to save them from extinction. Sturgeon have not fared much better and the public's once "world class" striped bass fishery has been significantly degraded.

These declines have resulted in serious economic impacts to local, state and national economies at the expense of the state's sport and commercial fishing industries. Economic losses are estimated to be more than \$4 billion due to prolonged declines of the Central Valley's fisheries and are clearly related to water development in the estuary's tributaries and export from the Delta. Yet, this fact that is not dealt with in the draft EIR/S.

Recently scientists working with the Interagency Ecological Program documented a serious "pelagic organism decline" in the Delta that includes key fish and critical foodweb species. This decline has pushed the ecosystem to the verge of collapse. The SDIP has the potential to cause a collapse of this system and the public's fishery resources. While this may be the result of a complex interaction of factors, we believe the key factors are the long term cumulative impacts associated with water development and its export out of the estuary. Such impacts have not been given credible impact analysis for the past four decades. Should the draft EIR/S go forward, it must deal with these long-term cumulative impacts.

Our organizations, representing hundreds of thousands of anglers and commercial fishing interests, are unanimously opposed to the project due to its potential to exacerbate the egregious condition of the estuary's ecology and the continued decline of key forage and fish species. We urge the department to execute your fiduciary responsibilities under California law to ensure the protection of the state's fish and wildlife resources that will be impacted by this project. In our view, the only way for you to do this is to withdraw the project.

The Record of Decision for the CALFED program required any increase in SWP export pumping to be conditioned on improving the Delta's fishery resources and ecosystem. Any project that requires significant mitigation to offset its impacts does not meet the intent of the CALFED Program to restore a healthy ecosystem and fisheries. Taking an ecosystem approach to estuarine management requires such a standard, which is the approach CALFED inaugurated with your agency's support. The SDIP should be required to meet this standard or not go forward.

SDIP's credibility was seriously damaged when the Inspector General of the Department of Commerce found the NOAA Fisheries' Biological Opinion failed to meet procedural standards when it established that the Operations Criteria and Plan (OCAP) for the state and federal water projects met ESA requirements for listed salmon and steelhead. Recently, a CALFED Science Panel found this opinion did not use the best available science! These are clear indictments of a biological opinion that must be rejected for its failure to disclose the probable impacts of OCAP. This operations plan opened the door to greater Delta exports

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and the feasibility of the SDIP. This is another subject not seriously dealt with by your agency's draft EIR/S.

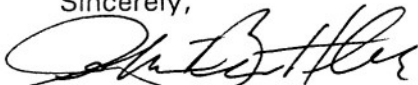
The CALFED Program's Programmatic EIR/S has been found legally deficient by a court of law and in need of major revision to properly evaluate the environmental impacts of the proposed CALFED Program. Due to this, we believe DWR lacks clear authorization from our state legislature to move forward with the SDIP. Since the State Legislature has not authorized the project, we believe your agency does not have legal authority to move this project forward. We did not find this mentioned in your draft EIR/S.

Until we have reasonable scientific certainty regarding what is causing the estuary's ecological crisis and have corrected these causes, a moratorium on all new projects that will affect the estuary should be instituted. This moratorium needs to stay in effect until the public's fishery resources that have been impacted by the development of the estuary's water sources are restored to abundant, self-sustaining levels. Spending \$110 million on State Water Project infrastructure that may well contribute to the estuary's decline will potentially strand millions of dollars on a project that may have to be replaced with one that can avoid adverse impacts to the estuary's ecology.

For all of the preceding reasons, instead of moving forward with the SDIP we recommend the following:

- Withdraw the draft EIR/S and reduce export pumping to levels that existed circa 2000-2001 when the Delta smelt were on the road to recovery;
- Institute a moratorium on new projects and increases in water exports until the estuary's ecosystem and fisheries are recovered and are maintained at viable, self-sustaining population levels;
- Equitably fund programs that restore the ecosystem and improve its water quality as part of your obligation to mitigate for indirect impacts caused to the aquatic ecosystem and fisheries of the estuary by previous water development activities.

Sincerely,



John Beuttler

For the Allied Fishing Groups

cc: Ryan Broddrick, DFG Director
Mike Chrisman, Resources Secretary
Paul Marshall, DWR